

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR04-360-RSL
)	
v.)	PROPOSED FINDINGS OF FACT
)	AND DETERMINATION AS TO
ALVIN SHANTEZ POTTS,)	ALLEGED VIOLATIONS OF
)	SUPERVISED RELEASE
Defendant.)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on October 28, 2010. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Bruce Miyake, and defendant was represented by Jay Stansell. Also present was U.S. Probation Officer Diane McLuen. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on January 5, 2007 by the Honorable Robert S. Lasnik for Felon in Possession of a Firearm. He received 28 months detention and 36 months of supervised release. Mr. Potts began his first term of supervised release on November 21, 2009.

On February 3, 2010, the Court revoked Mr. Potts' term of supervised release following his admission to various violations of supervision including possessing marijuana and failing to

1 report for drug testing. He was sentenced to time served and 36 months supervision to include a
2 halfway house placement for up to 120 days.

3 On February 11, 2010, Mr. Potts was released from the detention and began his second term
4 of supervised release.

5 On July 23, 2010, the Court revoked Mr. Potts' supervised release following his admission
6 to various violations of supervision including failing to submit to drug testing, failing to report to
7 the probation office, failing to submit monthly supervision reports, and using marijuana. He was
8 sentenced to 60 days detention and 24 months supervised release which included a 180 day
9 halfway house placement.

10 On August 10, 2010, Mr. Potts was released from detention and began his third term of
11 supervised release. He is scheduled to terminate from supervision on August 9, 2012.

12 PRESENTLY ALLEGED VIOLATIONS

13 In a petition dated September 10, 2010, U.S. Probation Officer Michael R. Markham alleged
14 that defendant violated the following conditions of supervised release:

15 1. Failing to participate in a substance abuse treatment program on or about September
16 8, 2010 in violation of a special condition of supervised release.

17 2. Failing to satisfactorily participate in a residential re-entry center program for up to
18 180 days on or about September 8, 2010 in violation of a special condition of supervised release.

19 FINDINGS FOLLOWING EVIDENTIARY HEARING

20 Defendant admitted the above violations, waived any hearing as to whether they occurred,
21 and was informed the matter would be set for a disposition hearing November 24, 2010 at 8:30
22 a.m. before District Judge Robert S. Lasnik.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 28th day of October, 2010.



BRIAN A. TSUCHIDA
United States Magistrate Judge